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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1312th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 5 March 1999, at 10 a.m.

Chairman: Mr. ABOUL-NASR

later: Mr. DIACONU
(Vice-Chairman)

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifth, sixth, seventh and eighth periodic reports of Portugal (continued) (CERD/C/314/Add.1; HRI/CORE/1/Add.20)

1. At the invitation of the Chairman, the members of the Portuguese delegation took places at the Committee table.

2. The CHAIRMAN invited the Portuguese delegation to reply to the questions asked by the members of the Committee.

3. Mr. LEITÃO (Portugal) thanked the members of the Committee for their comments and questions to which his delegation would endeavour to respond and which would be transmitted to his Government.

4. Mr. MARRECAS FERREIRA (Portugal), reverting to the criticisms by the Country Rapporteur of the fact that the Constitution of Portugal did not expressly prohibit racial discrimination, recalled that article 13 of the Constitution, even if it was worded in less explicit terms than article 1 of the Convention, did establish the general principle of non-discrimination and equality by providing that "no one may be privileged, favoured, disadvantaged, deprived of a right or exempted from a duty on account [inter alia] of his ancestry, race, language, territory of origin ...". Moreover, since article 16.1 of the Constitution prescribed that fundamental rights arising from all instruments of international law had constitutional value, the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination had been automatically incorporated into Portuguese fundamental law.

5. As for the absence of any reference to race in the analysis of the demographic composition of the population of Portugal, he recalled that such a reference was optional according to United Nations criteria. Because of the country's multiracial tradition and the absence of racial prejudices - which explained, for instance, how the Portuguese had been so easily able to settle in Brazil - it would be deemed improper to establish statistics in terms of the race, religion or, indeed, the politics of the persons concerned. That was the reason why Portugal did not possess any quantified data for those characteristics.

6. The concept of a minority was another sensitive one, and even the Framework Convention for the Protection of National Minorities of the Council of Europe did not expressly define it. The various foreigners living in Portugal were not regarded as forming minorities, even if there might be some occasional friction with the population of Portuguese stock. On the whole, it could be said that Portuguese society was homogeneous, apart from the Gypsy community which had deliberately remained isolated from the rest of the population for several centuries in order to protect its culture and traditions and, consequently, was treated separately in the report.

7. The inhabitants of the Azores and Madeira were in no way ethnic minorities, any more than the Corsicans were vis-à-vis the French. They were Portuguese through and through to whom a certain autonomy had been granted because of their residence on islands and their geographical distance from the mainland.

8. The right to equal treatment before the courts was guaranteed and, if case histories revealed that Gypsies or Blacks were often victims of injustice, those phenomena were still marginal and could not be attributed to a generalized racist attitude. The judges did their utmost to redress the damage suffered and judicial decisions often caused the law to evolve. Thus, a new law adopted in 1996 extended the right to legal aid to all foreigners, including asylum seekers that had entered the country but had not yet been regularized, who could henceforth make use of it for the purposes of their regularization procedure.

9. Judicial decisions contributed also to the application of the international instruments, including the conventions on the elimination of all forms of discrimination. The Constitutional Commission had, for example, declared contrary to the Constitution a regulation of the National Republican Guard which allowed nomads' caravans to be searched. Such caravans were henceforth to be regarded as homes rather than vehicles and could thus be inspected only with a search warrant.

10. When Gypsies were involved in conflicts with town councils or in law suits, there was a tendency for the general public and the press to side with them. The decision by the Lamego District Court, which had included in the reasons for its verdict in a drug-trafficking case the statement that "Gypsies have a natural tendency to drug trafficking" and had made it an aggravating circumstance, aroused a veritable outcry in the press. The part of the decision concerning the aggravating circumstance had been quashed by the Supreme Court.

11. Likewise, some vigilantes who had attacked a community of Gypsies suspected of trafficking in the Vila Verde area had been sentenced for "terrorist association". That meant that there was no segregation with respect to the Gypsy minority.

12. Incitement to racial hatred and violence, not to mention violent acts themselves, were severely punished and the neo-fascist "National Action Movement" (MAN), linked to the skinheads, had had to cease its activities. Organized racist propaganda and participation, including financial participation, in activities of that kind, as well as the circulation of racist writings or statements by other means of communication; the denial of war crimes and crimes against peace and humanity and slander or insults of a racist character were punishable by up to eight years' imprisonment under article 240, paragraphs 1 and 2, of the Criminal Code.

13. In addition, article 160, paragraph 1, of the Constitution of Portugal made it possible to lift the parliamentary immunity of deputies who made racist statements and to cancel their mandate.

14. Lastly, as far as the foreigners' vote was concerned, his delegation wished to reply to the Committee's comments that there was discrimination behind the fact that not all foreigners were able to vote or be candidates in municipal elections. In fact, Portugal applied in that regard the principle of reciprocity whereby it granted the right to vote to citizens of countries which themselves granted the right to vote to Portuguese citizens. That principle applied to all the countries in the world and, far from being discriminatory, gave evidence rather of an attitude of openness and generosity.

15. Lastly, he wished to add an explanatory comment concerning the article with a "racist connotation" which had been written by a Portuguese journalist after the murder of a taxi driver and which was denounced in a document of the European Commission against Racism and Intolerance. Although the tone of the article and the situation resulting therefrom were unpleasant, it could not be said that there had been incitement to racial hatred in that instance and, moreover, the journalist in question had not been prosecuted.

16. Mrs. DIAS NOBRE (Portugal), speaking on the subject of the campaigns for the extraordinary regularization of clandestine immigrants (para. 26 of the report), said that they had been undertaken, on the one hand, to combat discrimination and the abuses to which it led and, on the other, to integrate aliens who were in an irregular situation. Carrying out those campaigns had necessitated much energy and the collaboration of the Aliens and Frontiers Department, the High Commissioner for Immigration and Ethnic Minorities, embassies, immigrants' associations and local authorities.

17. From the organizational point of view, information and training activities concerning the legislation and the necessary formalities had been carried out, reception centres set up with due regard for the districts in which the people concerned were concentrated and flying squads created to go to those who could not visit the centres, all such operations with the active participation of the immigrants' associations.

18. Of the 35,082 applications submitted, 31,117 had been accepted and had resulted in the issue of residence permits. Those de isions had been taken by the National Commission for Extraordinary Regularization (CNRE), made up of various representatives of ministries, of the immigrants and of ethnic minorities. The persons w ose applications were rejected because of the criteria for exclusion prov ded for in the legislation had a right of appeal.

19. No new regularization campaigns were envisaged but a recently adopted decree-law incorporated the principle of family reunion and of strengthening the guarantees given to aliens, facilitated the procedure for acquiring a residence permit and included a provision whereby residence permits could be granted, exceptionally, for humanitarian reasons. That procedure came under the Ministry of the Interior.

20. Mrs. CARDOSO FERREIRA (Portugal) said, with regard to the question of Gypsy mediators, that their duty was to facilitate the integration of Gypsies by encouraging relationships between them and the rest of the population. In order to do so, they had to have a good knowledge of the society into which they were fitting and a capacity for communication, particularly with the

various professional people working in education, and be able to promote an intercultural dialogue. Within the framework of their activities, they were required to participate in school staff meetings and educational projects and to approach families when certain pupils played truant in order to convince them of the value of school attendance, etc. They were given a 1,000-hour training course by the Ministry of Education.

21. Mr. LEITÃO (Portugal), supplying information concerning the mandate of the High Commissioner for Immigration and Ethnic Minorities (para. 29) - a post which had been entrusted to him, said that the office had been established in January 1996 to harmonize the policies of the various departments of State concerned with questions relating to immigrants or ethnic minorities.

22. All action was based on dialogue with the people concerned - immigrants, ethnic minorities, Gypsies and others - or with their representatives.

23. The office of the High Commissioner for Immigration and Ethnic Minorities had given support in the following areas, among others: adoption of new legislative measures, organization of the process of regularizing immigrants, preparation of the report on Gypsy equality and integration, creation of innovative projects such as, for example, training young immigrants in computer science or helping them to integrate through sport, which developed initiative and tolerance, supplying information and advice to immigrants, organizing a Gypsy national encounter and establishing an Advisory Council for immigration questions. In addition, a new project had been launched, with the cooperation of the Employment Institute, to stimulate the vocational training of Gypsies, young immigrants or young nationals belonging to ethnic minorities.

24. The High Commissioner for Immigration and Ethnic Minorities had also the task of monitoring the activities of the various administrative departments. For example, he had to be informed of any deportation order or any refusal to renew a residence permit. In some cases, he had succeeded in having a negative decision reviewed. He proposed measures to the Government, such as the establishment of the Working Group on the Equality and Insertion of the Gypsies, requested that inquiries be opened, as in cases where vigilantes were involved, and cooperated with the General Inspectorate of Home Administration.

25. Replying to other questions, he said that Mirandês was a language that had been officially recognized since January 1999 as forming part of the cultural heritage of Portugal, that the decree-law of March 1997 had been replaced in May 1998 by the Employment of Aliens Act which no longer imposed any quota for the employment of foreigners and that, as far as social housing was concerned, although the decree-law of 1976 was still in force, foreigners could currently receive housing assistance. The High Commissioner for Immigration and Ethnic Minorities had, incidentally, requested a review of that decree-law.

26. Mr. PEREIRA GOMES (Portugal) said, with respect to the declaration provided for in article 14 of the Convention, that he could confirm that the decision to make that declaration had already been taken and that the

formality would shortly be notified to the Secretary-General of the United Nations. Portugal also intended to ratify the amendment to article 8, paragraph 6, of the Convention.

27. With respect to the status of Macao and East Timor, he said that, according to international law, the two territories were under Portuguese administration.

28. On 20 December 1999, Macao would become a special administrative region of the People's Republic of China and would cease to be administered by Portugal. The People's Republic of China had pledged itself to respect the principles in force in Macao on 20 December 1999, particularly the rights and freedoms of the citizens, included in the fundamental law of the special administrative region of Macao, adopted in 1993. In that connection, the International Convention on the Elimination of All Forms of Racial Discrimination had not been applied in the territory because of its special status. However, he had been informed that his own country and the People's Republic of China had agreed to apply the Convention to Macao and his Government was currently preparing a declaration extending the scope of the Convention to the territory. Moreover, the special status of Macao was not an obstacle to the application in the territory of the Constitution of Portugal in the matter of fundamental rights.

29. As for East Timor, despite the invasion and occupation of the territory by the Indonesian army in December 1975 and the resultant inability of his Government to exercise its administrative authority, Portugal was still conscious of its duties towards the Timorese people, and was doing its utmost to ensure that that people's right to self-determination became a reality.

30. The CHAIRMAN invited the members of the Committee to conclude their consideration of the report of Portugal.

31. First, however, speaking in his personal capacity on the subject of the next three reports to be considered concerning African countries, he stressed how regrettable it was that so little time had been allotted to consideration of the situation in those countries as compared with others, particularly European ones, when very serious events, such as genocides or gross and systematic violations of human rights, were occurring there. In fact, those countries were not being given enough attention.

32. Mr. FERRERO COSTA said that situations of gross violations of human rights in Africa, and in other regions such as Kosovo and Kurdistan, undoubtedly deserved the Committee's full attention. That did not mean however, that the Committee should ignore racist and xenophobic actions occurring in Europe, in employment for instance or against immigrants, on the grounds that they were less serious than elsewhere. According to its mandate, it was obliged to examine situations coming within its competence and occurring in any country whatsoever, whatever the region it belonged to, taking carefully into account circumstances connected with the level of development, history and economy of each of them, whether it was a matter of discrimination against indigenous people, genocide or much less serious actions.

33. The CHAIRMAN said that there was no substantive disagreement between himself and Mr. Ferrero Costa. He was not advocating a refusal to give certain European countries the attention their situations required but was concerned that regions other than Europe, and particularly Africa, should receive equal attention from the Committee.

34. Mr. YUTZIS said he appreciated the analyses made by the delegation of Portugal but he did not necessarily share the conclusions. He noted a certain ambiguity: on the one hand, the authorities had adopted dissuasive measures against attitudes leading to racist acts or violence while, on the other, there was a certain increase in the number of offences. Contrary to the views of the delegation, he was inclined to see there the symptoms of a deep-seated malaise, but only the following report would enable the Committee to know what was really the situation.

35. He saw from the report (para. 166) that foreigners in an irregular situation awaiting expulsion or return and asylum seekers were installed in temporary reception centres. He wished to know where those centres were located, how many of them there were and by what administrative provisions they were governed. He would also like to know more about the opinion polls that had been mentioned.

36. Mr. Diaconu, Vice-Chairman, took the Chair.

37. Mr. GARVALOV (Country Rapporteur for Portugal) thanked the delegation of Portugal for the precise and detailed answers it had given to the questions asked by the members of the Committee. He welcomed the resumption of the dialogue with Portugal which, after a break of about eight years, had been taken up again in a particularly constructive way. In particular, the delegation had given the Committee clarifications which had dispelled some misunderstandings regarding matters of concern.

38. It had thus appeared that Portugal seemed to have accepted the fact that it had a multiracial and multi-ethnic society. The delegation had not denied the fact that acts of racist violence occurred in Portugal, mainly affecting Gypsies and foreigners, but it had very clearly indicated that the Convention could be invoked directly before the Portuguese courts. Unlike the representatives of other States parties who were also members of the European Union, the delegation of Portugal had set out clearly its Government's views on the Framework Convention for the Protection of National Minorities, an instrument that Portugal had not ratified. The conclusions of the Committee concerning the periodic report of Portugal would, he was sure, reflect the constructive nature of the dialogue that had taken place during its examination.

39. Mr. LEITÃO (Portugal) said that, at the time of the consideration of Portugal's next periodic report, his authorities would deal with the questions to which the delegation had not been able to supply satisfactory answers.

40. Mr. Aboul-Nasr resumed the Chair.

41. The CHAIRMAN thanked Mr. Garvalov for his comments and congratulated the delegation of Portugal on the presentation of its report.

42. Mr. LEITÃO (Portugal) thanked the members of the Committee for their questions and comments and said that the dialogue they had begun with his delegation would certainly contribute to the effective implementation of the Convention in the Portuguese legal order and would assist the preparation of Portugal's next periodic report.

43. The CHAIRMAN said that the Committee had thus completed its consideration of the fifth to eighth periodic reports of Portugal.

44. The Portuguese delegation withdrew.

PREVENTION OF RACIAL DISCRIMINATION, INCLUDING EARLY WARNING MEASURES AND URGENT ACTION PROCEDURES (continued)

[45.] Democratic Republic of the Congo

46. The CHAIRMAN said that the Committee would consider the situation in the territory of the Democratic Republic of the Congo in the absence of representatives of the State party. He invited the Secretary of the Committee to give an account of the steps taken by the Office of the High Commissioner for Human Rights (OHCHR) to secure the presence of such a representative.

47. Mr. HUSBANDS (Secretary of the Committee) said that the OHCHR had sent many letters and made many telephone calls, all without any response, to the Permanent Mission at Geneva of the Democratic Republic of the Congo in order to invite that State to send a representative to participate in the consideration of the situation in its territory for the purposes of the Convention. Further approaches to the Permanent Mission of the Democratic Republic of the Congo in New York, through the United Nations Secretariat, had been no more successful.

48. Mr. VALENCIA RODRIGUEZ (Country Rapporteur for the Democratic Republic of the Congo) said that the Committee, which had been keeping the situation in the Democratic Republic of the Congo under review for a number of years under the early warning measures and urgent action procedures because of the serious and persistent violations of the Convention occurring there, had come to the conclusion that that situation was due inter alia to confrontations between ethnic groups. On the occasion of the consideration in 1996 of the third to ninth periodic reports of the Republic of Zaire, the predecessor State of the Democratic Republic of the Congo, it had expressed its concern about discrimination against the Pygmies and the ethnic cleansing policy that was apparently being implemented in Shaba.

49. In the light of the worsening of the situation in the country, the Committee had adopted in 1997 and 1998 three decisions in which it had inter alia expressed its deep concern at the serious violations of human rights including massacres and acts constituting genocide. In a communication addressed to the Security Council in 1998, the Secretary-General had recalled that a United Nations Investigative Team had been prevented by the Congolese Government from carrying out its mission in full. On the basis of the report of the Investigative Team, he had nevertheless concluded that serious violations of human rights and of international humanitarian law had been perpetrated on Congolese territory and that the murders committed by the

Alliance of Democratic Forces for the Liberation of the Congo (AFDL) and its allies, including elements of the Rwandan Patriotic Army (RPA), constituted crimes against humanity.

50. In spite of the serious facts reported by the Investigative Team - repeated massacres of civilians during the offensive which had brought the AFDL of President Kabila to power in 1993, massacres of unarmed civilians by ethnic militias in North and South Kivu in 1993, massacres of many unarmed civilians by the Interahamwe and Mai-Mai militias in October 1996, massacres of Rwandan Hutus fleeing to Wendji and Mbandaka and the refusal of the Congolese Government to authorize an investigation of all violations on its territory before and after its accession to power - no action had been taken by the Security Council other than the adoption of a statement in which its President had requested the Congolese Government to carry out an investigation itself, which the latter had refused to do, deeming the allegations concerning it to be a tissue of lies without any basis.

51. According to the report by the Special Rapporteur of the Commission on Human Rights on the human rights situation in the Democratic Republic of the Congo (A/53/365), the situation was very complex on the ground where various factions - Tutsis, Banyamulenges, Congolese Armed Forces (FAC), the Rwandan Army (RPA) from a neighbouring country, Mai-Mais and the former Rwandan Army (FAR) - confronted one another against the background of a civilian population that wanted only peace. The uprising of the former Rwandan and Banyamulenge allies of President Kabila had brought about many confrontations and deaths and the constitution by the rebels of the Congolese Movement for Democracy. The Government had reacted by inciting the population of the Congo to racial hatred against the Tutsis and to their physical elimination. At the end of August, the armed forces of Zimbabwe and Angola had entered the field on the side of the Congolese Government forces while those of Rwanda and Uganda had strengthened the rebel ranks, thus giving the conflict a regional dimension.

52. An ethnic cleansing policy had been put into effect and Tutsis had been victims of summary executions. Many serious violations of human rights and humanitarian law had occurred, such as the indiscriminate bombing by military forces of the civilian population, arbitrary arrests, rapes, torture, the recruitment of minors as soldiers and the systematic application of the death penalty by the Military Courts.

53. Those facts were confirmed by information from the non-governmental organizations (NGOs), Human Rights Watch and Amnesty International, the latter having reported many cases of incitement of the general public to eliminate rebels and Tutsis and the discovery of mass graves containing hundreds of corpses of massacred persons.

54. In conclusion, he said that the Government applied a policy of ethnic cleansing, particularly against the Tutsis, and regarded NGOs, journalists and human rights defenders as enemies to be harassed, intimidated and imprisoned. Violations of fundamental rights were still legion according to ethnic and political considerations, in violation of the most important provisions of article 5 of the Convention, and foreign countries continued to interfere in the conflict to an alarming extent by supplying the combatants with weapons and resources of various kinds.

55. As for recommendations, the Committee should reaffirm the recommendations contained in its decision no. 4 (53), particularly that calling on the parties to the conflict to stop the fighting and ethnic attacks and inviting the Congolese Government to cooperate with the OHCHR. In addition, it should repeat the recommendation whereby the Special Rapporteur had invited the Congolese Government to carry out an investigation into the facts reported and had requested the Congolese Government to cooperate in good faith with the international investigators. The Governments involved in the conflicts in the Democratic Republic of the Congo should also be urged to cease their interference forthwith. Lastly, the Secretary-General of the United Nations should draw the attention of the Security Council to the situation in that country with a view to settling the conflicts and ensuring that fundamental rights, including those protected by the Convention, were respected there.

56. The CHAIRMAN, speaking in his personal capacity, welcomed the analysis by the Country Rapporteur but regretted that he had not mentioned the efforts made by the Organization of African Unity (OAU) to settle the conflict. The Country Rapporteur had listed five items which deserved to form the subject of recommendations but it should, perhaps, also be mentioned that the Committee regretted that the discussion had taken place in the absence of a representative of the country and that it deplored the foreign intervention in the Congo. The Country Rapporteur had rightly mentioned the implication of Rwanda in the conflict but other neighbours of the Democratic Republic of the Congo were also involved. Indeed, it was extremely difficult to consider the situation in the Democratic Republic of the Congo without considering that of the neighbouring countries which were also interested parties.

57. The Committee should roundly condemn the flow of weapons into the country and emphasize the need to find a peaceful solution to the conflict. It would be useful to know, incidentally, whether the OHCHR had made any attempts in that area.

58. The Committee should be seized very rapidly of a text, whether in the form of a statement or a decision, whereby it would indicate that the International Convention on the Elimination of All Forms of Racial Discrimination was being seriously violated in the Democratic Republic of the Congo and that genocide was being perpetrated in that part of Africa.

59. Mr. FERRERO COSTA said that the information that had just been presented was very disturbing. The Committee really did not have enough time to consider serious cases of genocide and violations of fundamental rights. He hoped that the Committee's programme of work would be reconsidered so as to devote more time to situations of that kind without diminishing thereby the time allotted to the consideration of the reports submitted by States parties.

60. It would have been desirable for the Special Rapporteur on the situation of human rights in the former Zaire, Mr. Garretón, and the United Nations High Commissioner for Human Rights, or her deputy, to have attended the meeting since they could have conducted a dialogue with the experts of the Committee and have explained to them what measures could be envisaged in the current state of affairs.

61. The conflict was a dual one: on the one hand, and that was an extremely important factor which explained why it was repetitive, it was of an ethnic character and, on the other, it was regional or subregional. Consequently, it could not be resolved by the Congolese authorities alone. The solution to the problem depended to a major extent on the will of the neighbouring countries involved in it.

62. He fully supported the Country Rapporteur's five recommendations but would also like a reference included to the efforts made by the OAU to find a solution to the conflict. The Country Rapporteur had indicated that the President of the Security Council had recently made a statement on the situation in the Democratic Republic of the Congo and he wondered why the Council had not adopted a resolution on the subject. Was the case of Kosovo more serious than that of the Congo? Was genocide worse in Kosovo than in the Democratic Republic of the Congo? It was to say the least strange that everyone knew what was happening in Kosovo while the tragedy of the Great Lakes region was forgotten.

63. The Committee should thus make some very firm and very specific recommendations on the subject and explain clearly that the seriousness of the situation deserved a resolution by the Security Council and an intervention by the international community, through its peacekeeping organs. In order to draw the international community's attention to that forgotten tragedy, it might perhaps be advisable to take up the idea, which had already been suggested, of a press conference in the course of which the Committee would express its deep concern about the crisis in the Democratic Republic of the Congo.

64. He also hoped that the Committee would be more explicit about impunity and that the Country Rapporteur's third recommendation would place greater emphasis on the persons responsible for violations of human rights in the country.

65. The CHAIRMAN said it was necessary for the High Commissioner on Human Rights or her deputy to explain to the members of the Committee what was currently happening in the field and to set out the steps that the OHCHR intended to take in that regard, the more so as the Deputy High Commissioner, Mr. Ramcharan, had formerly been responsible for African affairs in the United Nations Department for Political Affairs.

66. Mr. de GOUTTES, having thanked the Country Rapporteur for his remarkable report and expressed his full support for the statements by the Chairman and Mr. Ferrero Costa, said he would like nevertheless to stress two of the alarming elements contained in that report, one of them being the resort to organized campaigns of incitement to racial hatred and - to use the words of the report - to "campaigns of incitement to hatred against the Tutsis, regarded as 'viruses', 'mosquitos' and 'rubbish' which must be eliminated". The Committee must very firmly condemn the resort to such hate campaigns and to the media use of hatred. Recalling that, in the past, the Committee had already condemned the methods used by Radio Mille-Collines, he noted that the situation still continued and said that the Committee should adopt a clear position on that point.

67. The other extremely alarming fact was the classification of human rights defenders, NGOs and journalists as enemies to be combated who were, as the Country Rapporteur had explained to the Committee, hunted down, arrested and imprisoned. Those two points should be mentioned in the statement or communiqué that the Committee would issue on the topic.

68. The CHAIRMAN said that the victims were not just Tutsis. It should not be forgotten that both parties, Tutsis and Hutus, had committed crimes.

69. Mr. SHAHI, having welcomed the analysis made by the Country Rapporteur of the situation in the Democratic Republic of the Congo, said he was ready to support a Committee resolution or decision on the topic but thought that, unless it obtained more precise information on the situation, the Committee risked repeating what it had said in its decisions of March and August 1998. It would be useful, for example, to know the position recently taken up by the Security Council and the contents of the statement made by its President.

70. He recalled that, in 1998, a Peace Conference had been held in Zambia and that, despite the message sent by the Secretary-General to the participants, the conflict still continued because the Congolese rebels, supported by Rwanda and Uganda, had not been invited. The situation was an extremely complex one, since Zimbabwe and Angola were supporting the Laurent-Desiré Kabila regime while Uganda and Rwanda supported the Congolese Tutsis. Meanwhile, the massacres continued.

71. He was in favour of Mr. Garretón, or someone else familiar with the situation, explaining to the Committee precisely what was happening in the country and what the situation was with regard to the OAU intervention force. As for Mr. Ferrero Costa's proposal that emphasis should be placed on the problem of impunity, he recalled that the Committee had recommended, in an earlier decision, that the terms of reference of the Arusha International Tribunal should be extended to cover crimes committed in the eastern part of the Democratic Republic of the Congo.

72. The CHAIRMAN said that Mr. Garretón was currently in Chile and his report was being translated but that the Committee should not postpone to its next session making a public statement on the topic or obtaining specific information on the situation prevailing in that country.

73. Mr. SHERIFIS said that the situation in the Democratic Republic of the Congo was very disturbing and he approved the idea of a public statement on the topic, as soon as possible. It was not enough to watch CNN or Euronews to be informed, since the members of the Committee would then be able to do their work perfectly well without leaving home. The United Nations had established a post of High Commissioner for Human Rights, and all the members of the Committee had welcomed that decision. It was regrettable, however, that a High Commissioner should exist and never be seen. The OHCHR should express an opinion on questions of serious, systematic and massive violations of human rights and should, indeed, be the first to do so. It was unacceptable to maintain that, if the the OHCHR took up a position on questions of violations of human rights, that might risk wounding certain States. The Committee should ask the staff members specializing in those matters to attend its meetings and to inform its members. The Committee could also obtain the

relevant pages of the report of the Investigative Team appointed by the Secretary-General to look into the allegations of massacres in the former Zaire, of which Mr. Chigovera, a former Committee expert, had been a member. The Committee must express an opinion on the topic by adopting a statement by the Chairman on behalf of the Committee, which would then be released to the press.

74. The CHAIRMAN suggested that the Committee secretariat should supply the members of the Committee with copies of the decisions taken in that area by the OAU.

75. Mr. NOBEL said that the direct or indirect participation of a number of countries neighbouring upon the Democratic Republic of the Congo could well transform an already tragic situation into a large-scale African war. Other States were also involved in the conflict, non-African States that were supporting the belligerents in one way or another. Nevertheless, there were NGOs working in the region that were trying to prevent the conflict from becoming worse. It was very important that the international community should support those efforts.

76. Moreover, as Mr. Ferrero Costa had rightly said, it was true that world public opinion was very familiar with what was happening in Kosovo but unaware of the events in the Great Lakes region. It would thus be desirable for the Committee to inform the journalists of its desire to see an improved flow of information concerning the region.

77. The CHAIRMAN said he took it that the Committee had decided to remain seized of the question and to ask the Country Rapporteur to submit to it, as soon as possible, a report based on his own overview and on the various opinions expressed by the experts on the topic. The Committee had also decided to request extra information on the situation either from the OHCHR or the OAU.

78. Mr. FERRERO COSTA suggested that there should be added to those three points the question of the means available to the Committee to follow up the situation.

79. Mr. SHAHI said that the Committee should also find out about Nelson Mandela's proposals to the 1998 OAU conference designed to find a solution to the civil war in the Congo together with the views of the Secretary-General.

80. The CHAIRMAN suggested that it should also obtain the proposals made by the Secretary-General of the United Nations, which had been criticized and rejected.

The meeting rose at 1.05 p.m.